

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Ryan Tvelia,

Plaintiff,

vs.

Barnwell County; Timothy
Bennett; Ben Kinlaw,

Defendants.

C/A No. 1:24-cv-4166-JFA

ORDER

Ryan Tvelia (Plaintiff), a former Barnwell County employee, filed this action in the Barnwell County Court of Common Pleas alleging state law claims of civil conspiracy, public policy discharge, intentional infliction of emotional distress, tortious interference with contract, and defamation. (ECF No. 1). Subsequently, on July 26, 2024, Defendants removed the action to federal court. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for pretrial proceedings.

On July 30, 2024, Plaintiff filed a Motion to Remand to state court, arguing this Court lacks federal subject matter jurisdiction under 28 U.S.C. § 1331 and § 1332. (ECF No. 7). Subsequently, Defendants filed a Response (ECF No. 10), to which Plaintiff filed a Reply (ECF No. 14). On October 17, 2024, the Magistrate Judge issued a Report and Recommendation (Report), recommending this Court grant Plaintiff's remand motion for

lack of subject matter jurisdiction. (ECF No. 25). Defendants did not file objections to the Report and the time to do so has expired. Therefore, this matter is ripe for review.

A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

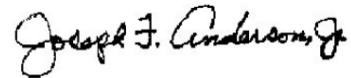
Here, Defendants failed to raise any objections, and therefore the Court is not required to explain its decision to adopt the recommendation. A review of the Report indicates that the Magistrate Judge correctly concluded that the Court lacks subject matter jurisdiction over Plaintiff's claims.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 25). Therefore, the Court grants Plaintiff's motion to remand this action to state court. (ECF No. 7).¹

¹ After Plaintiff filed the Motion to Remand (ECF No. 7), the attorney of record for Defendants Bennett and Kinlaw filed a Motion to Withdraw as counsel. (ECF No. 16). As discussed above, the Court lacks subject matter jurisdiction over this case. Therefore, the Motion to Withdraw (ECF No. 16) is dismissed as moot.

IT IS SO ORDERED

December 4, 2024
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Court Judge